



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 17
[2011 Senate Bill 20]

**Sale of School Property Owned by
Milwaukee**

Under current law, the schoolhouses for the Milwaukee Public School (MPS) District and the sites on which they are located are the property of the City of Milwaukee. The MPS board must adopt a resolution in order for a site to be purchased or leased or for a schoolhouse to be constructed.

The MPS board has the possession, control, and management of the schools, facilities, operations, property, and affairs of the school district.

Under Act 17, if the Common Council finds that city-owned property used for school purposes has been unused or underutilized for at least 12 consecutive months, including the 12 months preceding the effective date of the Act, or if the MPS board has determined by resolution prior to January 1, 2011, that any city-owned property used for school purposes is surplus to the needs of the district, the Common Council may sell or lease that property if it adopts a resolution to do so. However, before the Common Council may approve the sale or lease of underutilized city-owned property used for school purposes, the Council must adopt a set of criteria under which the Council may or may not find that the property is underutilized. In order to determine whether property satisfies the criteria adopted, the Council must request from the MPS board, and the board must provide to the Council within 15 days of the request, all relevant information regarding the current and planned utilization of the property that is proposed for sale or lease.

If the Common Council adopts a resolution approving the sale or lease of school property, the MPS board must provide the Common Council and city employees and agents copies of all documents related to the property and access to and entry upon and into the property for purposes related to the property's sale or lease.

If the city sells or leases school property using the process created in the Act, the net proceeds of the sale or lease must be deposited in the school operations fund, which is used to pay the principal, fees, and premiums due on bonds issued for school facilities.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

If the city leases school property using the process created in the Act, the lease must require the lessee to assume responsibility for the care, operation, and maintenance of the real property and its facilities for the duration of the lease.

For any existing lease of city-owned property between the MPS board and a charter school that is not an instrumentality of MPS that is in effect as of January 1, 2011, the Act provides that the Common Council must be made party to the lease and may negotiate with the charter school to modify the terms of the lease if the common council adopts a resolution to do so. If a lease is modified, extended, or renewed, then the net proceeds must be deposited in the school operations fund.

Effective date: Act 17 takes effect on June 8, 2011.

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